

U.S. Application No. 10/675,090, filed September 30, 2003

Attorney Docket No. 14445US02

Amendment dated July 30, 2009

Accompanying Request for Continued Examination (RCE) filed July 30, 2009

REMARKS

Claims 1-22 are pending. Claims 1-22 are rejected.

Claims 1-8, 10 and 12-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kerman in view of Rodriguez and further in view of Novak. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

In order to expedite prosecution and/or to further clarify the subject matter therein, Applicants have amended independent claims 1, 12 and 15.

In view of at least the amendments to claims 1, 12 and 15, it is respectfully submitted that the combination of Kerman, Rodriguez and Novak, as presently asserted, does not teach each and every element as set forth in claims 1, 12 and 15.

It is therefore respectfully submitted that the combination of Kerman, Rodriguez and Novak, as asserted in the Office Action, does not present a *prima facie* case of obviousness.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 1-8, 10 and 12-18.

Claims 9, 11 and 19-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kerman in view of Rodriguez and further in view of Novak and still further in view of Hunter. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

In view of at least the above with respect to claim 1, it is submitted that the combination of Kerman, Rodriguez, Novak and Hunter, as asserted in the Office Action, does not present a *prima facie* case of obviousness.

In order to expedite prosecution and/or to further clarify the subject matter therein, Applicants have amended independent claim 19.

In view of at least the amendments to claim 19, it is respectfully submitted that the combination of Kerman, Rodriguez, Novak and Hunter, as presently asserted in the Office Action, does not present a *prima facie* case of obviousness.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C.

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§ 103(a) be withdrawn with respect to claims 9, 11 and 19-22.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicants also reserve the right to pursue, without prejudice, subject matter that has been cancelled or amended in a related or continuing application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: July 30, 2009

Respectfully submitted,

/Michael T. Cruz/
Michael T. Cruz

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